

342-288776-16

FILED  
TARRANT COUNTY  
10/19/2018 5:18 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. 342-288776-16**

**B. FRAZIER MANAGEMENT, INC,  
FORMALLY KNOWN AS FRAZIER  
ASSET MANAGEMENT, INC. and  
BRIAN H. FRAZIER, Individually,**

***Plaintiffs,***

V.

**ANSON FINANCIAL, INC. AS  
SUCCESSOR IN INTEREST TO  
JENTEX FINANCIAL, INC.,**

***Defendant.***

**IN THE DISTRICT COURT OF**

### 342nd JUDICIAL DISTRICT

**TARRANT COUNTY, TEXAS**

### AGREED ORDER APPOINTING AUDITOR

On this day, the Parties requested that the Court sign this Agreed Order Appointing Auditor. The Court, having considered the Motion, the pleadings on file, and arguments of counsel has determined that an auditor appointed by the Court with the powers, authority and duties stated in Texas Rule of Civil Procedure 172 is necessary for the purpose of justice between the Parties and determines the motion should be **GRANTED**.

The Court further finds that the parties have agreed, as evidenced by counsels' signatures as to form and content of this order, that the costs of the audit shall be paid for from Joint Venture funds and **SHALL NOT** be taxed as costs of court against either party.

IT IS THEREFORE ORDERED that Ken Green, licensed CPA, whose office is located at 6508 Colleyville Blvd, Colleyville, TX 76034, or another licensed CPA that the parties may agree to, is appointed as the Court's Auditor in this case pursuant to Texas Rule of Civil Procedure 172 and the parties' agreement.

**IT IS ORDERED THAT the Auditor SHALL:**

1. Issue a written report to the Parties stating specifically the documents, information and records the Auditor needs to review to perform an audit of the Joint Venture's books and accounts from the date Anson Financial Inc. became a member of the Joint Venture in 2014 through the date of this Order;

### Order Appointing Auditor



**E-MAILED**

~~Moore, Feguson, Richards, Cinclan~~

Maier: Ken Greene

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## PLs' Exhibit 41

2. If either Party does not agree with the Auditor's written report as to the documents, information or records requested, either party may file the Auditor's Report with the Court and seek a ruling as to the records and information that will be provided to the Auditor within 7 days of receiving the Auditor's written report;
3. If the parties agree as to the records to be reviewed by the Auditor, the audit may commence as directed by the Auditor, subject to the right of either party to seek review with Court of any objected to issue;
4. After review of the records necessary to complete the audit, the Auditor shall serve on both parties and Plaintiff will file with the Court, the results of the Audit. The audit shall be provided to the parties as a written report and shall be verified by affidavit stating that the Auditor has carefully examined the state of the account between the parties, that the report contains a true statement thereof and is based on the Auditor's personal knowledge from review of the Joint Venture records; and
5. The Report shall be completed in accordance with Generally Accepted Account Principles (GAAP) and contain the details the CPA deems necessary to advise the Court as to the state of the Joint Venture accounts during the identified period.

Signed this 23<sup>rd</sup> day of Oct, 2018.

  
HONORABLE JUDGE PRESIDING  
JUDGE KIMBERLY FITZPATRICK

AGREED AS TO FORM:

/s/Caleb Moore  
Attorney for Plaintiff  
SB#24067779

J. Michael Ferguson, P.C.  
By: /s/James N. Richards  
Attorney for Defendant  
SB#24091810